

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re C.H. Robinson Worldwide, Inc.,)	CASE NO. 07-MD-01849
)	(JNE)
Overtime Pay Litigation)	
)	
)	
)	

DECLARATION OF LAWRENCE P. SCHAEFER

After first being duly sworn, I, Lawrence P. Schaefer, state the following:

1. I am Of Counsel to the law firm of Mansfield, Tanick & Cohen, P.A. (MTC), and am Lead Counsel representing the male opt-in plaintiffs in this case.

2. Following notification of the tentative settlement of the female opt-in plaintiffs' claims, I engaged in weeks of arms-length negotiations with defendant's counsel. As a result of these negotiations, the male opt-in plaintiffs and C.H. Robinson Worldwide, Inc. ("CHRW") agreed to the same formula as the female opt-in plaintiffs for determining how to calculate lost overtime compensation for all male opt-in plaintiffs depending on their tenure, the dates during which they were employed by CHRW, their job classification and the likelihood of success on the merits of their claims. Beginning on May 10, 2007, MTC sent informational emails and letters to each of the affected 332 male opt-in plaintiffs explaining how the formula applied to him and inquiring whether he consented to settle his overtime compensation claim for the amount derived from

the formula.¹ Following discussions with these clients and securing their agreement to the settlement amount, we sent a Settlement Agreement and General Waiver and Release for each opt-in plaintiff to execute if he consented to settle his claim for the amount derived by the formula.

3. To date, MTC has received 303 (*faxed copy only of M. Earl*) executed Settlement Agreements and General Waiver and Releases from the following male opt-in plaintiffs and have provided Defendant CHRW with these documents.

- | | |
|-----------------------------|---------------------------|
| 1. Justin Accola | 24. Craig Bowen |
| 2. Keith Aiken | 25. Marco Boyd |
| 3. Roberto Ainza | 26. Nicholas Brandt |
| 4. Gregory Alpert | 27. Anthony Braxton |
| 5. Anthony "Lance" Alred | 28. Rodney Brewer |
| 6. Bryce Amburn | 29. Adam Britton |
| 7. Brad Angeles | 30. James Brown |
| 8. Bradley Antonacci | 31. Jamal Broy |
| 9. David Arevalo | 32. Daniel Buesgens |
| 10. Robert Atwater | 33. Timothy Bumgarner |
| 11. Marc Baker | 34. Trevor Burlison |
| 12. Jeffrey Balbo | 35. Rian Burnett |
| 13. Phillip Justin Barnette | 36. Ian Cannon |
| 14. James Bartolotta, Jr. | 37. Matthew Carter |
| 15. Rodney Barton | 38. Mark Casper |
| 16. Chad Barylski | 39. Gerard Catalano |
| 17. Matthew Beavers | 40. Brian Cherry |
| 18. Lazaro Benitez | 41. Christopher Cherubini |
| 19. Jason Bergquist | 42. Rodney Church |
| 20. Brent Birdsong | 43. Jeffrey Cichosz |
| 21. Chad Birdsong | 44. Charles Clark |
| 22. Michael Blackburn | 45. Brendan Clarke |
| 23. Russell Boullion | 46. Kenneth Clarkson |

¹ Per the agreement between the parties, some minor adjustments were made in allocating the awards produced by the formula to individual opt-in plaintiffs. The parties agreed that so long as the aggregate amount Defendant would have to pay would not increase, slight adjustments to the formula allocation between opt-in plaintiffs would be permitted, and this has occurred.

47. Ronald Clasen
48. Douglas Cohn
49. Jason Coleman
50. John Seth Collins
51. Matthew Cooke
52. Will Cooley
53. Steven Cox
54. Gilberto Crespo
55. Patrick Cullen
56. Jason Davis
57. Michael Davis
58. Timothy Davoren
59. Michael Dawson
60. Archie Deacon
61. Jose DeRosa
62. Gregory DeYoung
63. Robert Dixson
64. Guy Doggan
65. Brian Dolan
66. Marc Dorau
67. Anthony Dorn
68. Kevin Dorrell
69. Wade Duffy
70. Cord Dukewits
71. Marc Earl
72. Travis Edleman
73. David Edson
74. Gardner Edwards
75. John Ellis
76. Joel Elmore
77. James Elwood
78. Grant Erlandson
79. Samuel Fallon
80. Nicholas Fanelli
81. Enrico Fantozzi
82. Kevin Ferguson
83. John Figore
84. Matthew Fisch
85. William Foran
86. Benjamin Forrest
87. Jeffrey Fox
88. J. Nathan Frost
89. Jason Galloway

90. Daniel Gasteazoro
91. David Gault
92. Scott Georger
93. Ernesto German
94. Kelcey Gilbert
95. John Gilmore
96. John Giovannoni
97. Michael Godwin
98. Keith Gordon
99. Jeff Green
100. Steven Green
101. Wallace "Kip" Guenther
102. Symon Guerra
103. Robert Gustafson
104. Alejandro Gutierrez
105. Travis Haddock
106. Thomas Hagan
107. James Hale
108. Brent Hall
109. Thomas Halligan
110. Eric Halpern
111. William Hannah
112. Nickolas Harmon
113. Richard Harper
114. Mark Harrington
115. Daryl Harris
116. Benjamin Harrison
117. Christy Harrison
118. Kevin Hart
119. Benjamin Hartmann
120. Mark Hawke
121. Ryan Hebert
122. Jason "Randy" Hedlund
123. Christopher Heimel
124. Bremen Hentzel
125. Jay Hicks
126. Warren Hicks
127. Ethan Hill
128. Robert Hillard
129. Judd Hirschfeld
130. William Holmberg
131. Daniel Hoover
132. Chad Hubble

133. Elmer Huber II
134. Aaron Hudson
135. Scott Hyder
136. Casey Irgens
137. Jeffrey Jackson
138. Stephen Jaworski
139. Kevin Jay
140. Daniel Johnson
141. James A. Johnson
142. James B. Johnson
143. Trever Johnson
144. Jordan Johnston
145. Antoine Jones
146. Matthew Keim
147. Dirk Keiser
148. Cameron Keller
149. Sylvester Kerwin
150. Brad Kinsey
151. Jonathan Kirby
152. John Klimczyk
153. Armond Kocsis
154. Robert Kohler
155. Jeffery Kolb
156. Gene Kuhn
157. Milly Kukral
158. Joseph Larson
159. Joseph Laskowski
160. Kip Lass
161. Timothy Layman
162. John Layne
163. Briac Le Camus
164. Joseph "Ty" Ledgerwood
165. Anthony Ledvina
166. Robert Lester
167. Matthew Leuer
168. Todd Levering
169. Nikoloz Lezhava
170. Jeffrey Lichon
171. James Liskinski
172. Timothy Louie
173. David Ludivig
174. Paul Lueck
175. Carlos Lujan
176. Norbert Lukacs
177. Andrew Lundsberg
178. Steven Lynn
179. William Mackiewicz
180. Bryan Majercik
181. Manuel Martinez Diaz
182. Luis Martinez
183. Dave Maty
184. Daniel Mazzara
185. Shawn McCabe
186. Maurice McCarthy
187. Matthew McFerren
188. Kevin McGee
189. Martez McGee
190. Patrick McGee
191. Monty McHugh
192. Brian McVay
193. Charles Meyers
194. Keith Minarik
195. Matthew Minthorn
196. Patrick Monagan
197. Brian Morgan
198. Timothy Morris
199. Greg Mudd
200. Kenneth Mumper
201. Jonathan Munson
202. Michael Murphy
203. Todd Myers
204. James Napoleon
205. Dana Nelson
206. Scott Newland
207. Eric Nicholson
208. Kevin Nolan
209. Daniel Nolin
210. Mark Nolte
211. Casey Norvall
212. Nowinski, Thomas
213. Seann O'Gara
214. Adam Olrich
215. Kym Orange
216. Gary O'Shea
217. Dwayne Overton
218. Quintin Owens

219. Brian Paolello
220. Sean Patin
221. Jeffrey Pattyn
222. Brent Peters
223. Christopher Petersen
224. Darren Phillips
225. Gary Phillips
226. Shawn Phillips
227. Charles Pinson
228. David Plamondon
229. John Power
230. Jack Prentice
231. Javier Quiroz
232. Timothy Randolph
233. William Reap
234. Steven Rebernak
235. Christopher Reed
236. Darren Reid
237. Jamie Rogers
238. Roy Roginic
239. Charles Rorabacher
240. George Rossi
241. Kelly Rozen
242. Randall Rubiales
243. David Rubio
244. Gildo Russo
245. Jay Rzepinski
246. Octavio Salazar
247. Richard Schager
248. Michael Scheuren
249. Matthew Schmitt
250. Eric Schriever
251. Edward Sealey
252. Michael Sell
253. William Shanahan
254. Christopher Sims
255. Scott Skrien
256. Chad Slaughter
257. Aaron Smith
258. Hunter Smith
259. Jeffrey Smith
260. Sean Smith
261. Thomas Soehlke

262. Andrew Solomon
263. Marko Sosa
264. Jeffrey Stachon
265. Derrick Stein
266. Darik Steinbach
267. Mark Taussig
268. James Taylor
269. Kevin Taylor
270. Brian Tiell
271. Joshua Tingler
272. Jeffrey Todd
273. Carl Tong
274. Matthew Trees
275. Frank Urso
276. Jose Valencia
277. Keith Vallee
278. Dustin Veenendall
279. Oddgier Vik
280. Joshua Wacek
281. Jeffrey Waechter
282. Scot Wahlquist
283. Adam Wakefield
284. Chad Wakefield
285. Michael Wallace
286. Michael Warwick
287. John Wayman
288. Michael Weiss
289. Erich Weiter
290. Kevin Welsh
291. Michael Whelan
292. Daniel Whitlatch
293. Timothy Wiese
294. Cornelius Williams
295. Randolph Wolfe
296. Morgan Wood
297. William Williamson
298. Casey Wilson
299. Joshua Wilson
300. Scott Wise
301. Lathan Withers
302. Scott Worrall
303. Scott Yee

4. Twenty-one opt-in plaintiffs have expressed to MTC a desire to dismiss or withdraw their claims. We have received dismissal paperwork, which has been filed and approved by the Court, from the thirteen clients listed below.

1. Kent Alles
2. Timothy Baierlien
3. Jack Callahan
4. Christian Hanninen
5. Andrew Haverkamp
6. Randall Hibbs
7. William Horne
8. Justin Jones
9. Robert Kulig
10. Nathan Neuhart
11. Peter Roney
12. Robin Smith
13. Matt Tukua

5. The following eight clients have expressed their desire to be dismissed or withdraw their claims: Richard Cahn, Richard Comunale, Sergio Cordon, Reginald Ellsworth, Mark Goldberg, James Kiehn, Nicholas Klein and Jose Lozano. MTC has sent them dismissal paperwork but they have not yet returned it. MTC has repeatedly contacted these eight opt-in plaintiffs, but they have not yet returned the executed dismissal paperwork. We are therefore seeking dismissal of their claims based on their expressed desire (conveyed orally and in writing by e-mail) to have their claims dismissed.

6. Of the remaining 8 opt-in plaintiffs, 6 have agreed to accept (conveyed orally and in writing in e-mail) their proposed settlement amounts. Beginning on August 8, 2007, we began sending our clients the Settlement

Agreement and General Waiver and Release to sign and return. Since then, we have sent follow-up emails and certified letters to these plaintiffs reminding them of their obligation to execute the Settlement Agreement and General Waiver and Release. We have not yet received signed settlement agreements from Adam Croft, Scott Evans, Steven Giles, Jose Lozano, David Kreidler, John Renfro or Ivan Soto.

7. Adam Croft approved his settlement award by email on September 5, 2007. Caitlin Grom, a legal assistant at my office, sent him the settlement paperwork (which in every instance includes a complete Settlement Agreement with a comprehensive release) on August 8, 2007 and again on September 5, 2007. On September 11, 2007, Ms. Grom received an email from Mr. Croft in which he stated that he had sent in the paperwork that day. MTC did not receive the paperwork and to follow up, Ms. Grom emailed Mr. Croft on September 24, 2007, sent a letter by certified mail on September 25, 2007, an email on October 10, 2007, an email on October 24, 2007, an email on October 30, 2007, and an email on November 15, 2007. On November 15, 2007, Mr. Croft responded by saying that he would send the paperwork to MTC on Monday, November 26, 2007.

8. Scott Evans approved the settlement and on July 5, 2007, Ms. Grom sent him the settlement agreement. On October 17, 2007, Mr. Evans told Kevin Terry, a legal assistant at MTC, that he was going to send in the agreement. On November 15, 2007, Ms. Grom spoke with Mr. Evans and learned that the

agreement was sent to an incorrect address. It was resent November 15, 2007 and Mr. Evans said that he will send the completed paperwork to MTC.

9. Steven Gile approved the settlement and on July 6, 2007, Mr. Terry sent him the settlement agreement. On October 17, 2007, Mr. Evans told Mr. Terry that he was going to send in the agreement. Mr. Terry sent him the settlement agreement on October 17, 2007. Ms. Grom attempted to contact him on November 15, 2007 by telephone and email. MTC has not yet received Mr. Gile's agreement.

10. David Kreidler approved his settlement award on May 30, 2007. Ms. Grom sent his settlement agreement paperwork on August 9, 2007 by email. Because Mr. Kreidler did not return the paperwork, Ms. Grom resent the paperwork by certified mail on September 25, 2007, an email on October 10, 2007, and email on October 30th, and a letter by regular mail on November 5, 2007. Ms. Grom also attempted unsuccessfully to contact Mr. Kreidler by telephone on September 11, 2007, September 24, 2007, October 8, 2007, October 24, 2007, October 30, 2007, and November 11, 2007. Mr. Kreidler has not yet returned the agreement to MTC.

11. John Renfro approved his settlement on May 24, 2007 by email. Mr. Terry sent him settlement paperwork on August 9, 2007. Because Mr. Renfro did not return the paperwork, Mr. Terry resent the settlement agreement by email on September 17, 2007, by email on September 25, 2007, by mail on October 2, 2007 and by mail on November 5, 2007. On October 2, 2007 and November 6, 2007,

Mr. Renfro responded saying that he had reviewed the paperwork and approved it and would get the agreement in the mail.

12. Ivan Soto approved the settlement on May 15, 2007 during a telephone call. Mr. Terry sent Mr. Soto the settlement agreement by email on August 8, 2007. Because Mr. Soto did not return it, Mr. Terry resent the settlement agreement on November 5, 2007 and November 15, 2007. Mr. Terry spoke with Mr. Soto on September 5, 2007 and October 12, 2007, both times Mr. Soto said that he approved the agreement and would send the paperwork to MTC.

13. Finally, two opt-in plaintiffs have been totally non-responsive. MTC has attempted to contact Andre Smith by email, phone, regular and certified mail at least eight times between the dates of May 9, 2007 and September 12, 2007. MTC has attempted to contact Boris Sazhaev by email, phone, regular and certified mail at least eight times between the dates May 9, 2007 and June 28, 2007. These two opt-in plaintiffs did not approve the settlement and have not contacted us in response to these communications and we are therefore seeking to withdraw from continued representation of them due to this lack of response.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 28th day of November 2007 in Minneapolis, Minnesota.

s/ Lawrence P. Schaefer
Lawrence P. Schaefer